

From: Christopher Day
To: Microsoft ATR
Date: 1/18/02 12:15pm
Subject: Letter of Support Attached

CHRISTOPHER M. DAY, ESQ.
9855 Snowbound Court
Vienna, VA 22181

January 18, 2001

Renata Hesse, Esq.
Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D Street, N.W. # 1200
Washington, D.C. 20530
By Email: microsoft.atr@usdoj.gov

Dear Ms. Hesse:

I am an attorney in the Northern Virginia area and have heard that you have some responsibility with regard to the settlement of the Microsoft antitrust case. I would like to commend the Department of Justice for negotiating a fair and reasonable Revised Proposed Final Judgment in the case.

It is my opinion that the settlement is a fair one and should be fully enacted. Further litigation serves no party except Microsoft's direct competitors. The goal of our antitrust laws and regulations is to ultimately help the consumer through competition, not to necessarily reward other businesses that would like to get "in on the action."

It appears that the revised proposed final judgment strikes the right balance in effectively addressing Microsoft's unacceptable practices and also preserves consumer choice. The agreement calls for uniform pricing and allows computer makers flexibility to configure Windows and promote non-Microsoft programs. Both interfaces and protocols necessary for other software to work with Windows must be disclosed, and both retaliation and exclusive agreements are prohibited. An independently appointed permanent technical committee will monitor compliance and assist with dispute resolution. The U.S. or any of the states have a right to inspect all Microsoft documents and all source code for any Microsoft program, interview any Microsoft employee, and order Microsoft to prepare any report under oath regarding any issues relating to the final judgment. Any person may complain regarding noncompliance to the Justice Department, the states and/or the technical committee and the plaintiffs can immediately initiate proceedings to hold Microsoft in contempt. While this solution may not be perfect, it is certainly preferable to the alternatives.

Thank you for your time and your efforts in this regard. Enjoy the New Year.

Sincerely,

Christopher M. Day